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Decision

Matter of: Evolving Resources, Inc.

File: B-287178; B-287178.2; B-287178.3

Date: April 27, 2001

Gerald H. Werfel, Esq., Pompan, Murray & Werfel, for the protester.
Richard D. Lieberman, Esq., McCarthy, Sweeney & Harkaway, for Synectic Solutions, an intervenor.
Glenn Heisler, Esq., and Russell Spindler, Esq., Department of the Navy, for the agency.
Linda S. Lebowitz, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Protest of the evaluation of management proposals is denied where the evaluation was reasonable and consistent with the terms of the solicitation.

DECISION

Evolving Resources, Inc. (ERI) protests the award of a contract to Synectic Solutions under request for proposals (RFP) No. N00421-00-R-0328, issued by the Department of the Navy, Naval Air Systems Command (NAVAIR), for maintenance planning and design interface logistics support services. ERI challenges the agency's evaluation of the offerors' management proposals.

We deny the protest.

The RFP, issued on February 2, 2000, contemplated the award of a cost-plus-award-fee contract for a base period and nine 1-year option periods for each of five lots, each lot serving different regional locations. This protest involves the award of lot II, set aside for Section 8(a) business concerns,¹ covering the regional location at the

¹ Section 8(a) of the Small Business Act, 15 U.S.C. §637(a) (1994), authorizes the Small Business Administration to enter into contracts with government agencies and to arrange for the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns.

Naval Air Warfare Center Weapons Division at China Lake and Point Mugu, California.

The RFP stated that the award would be made to the offeror whose proposal offered the greatest value to the government, cost and other evaluation factors considered. The RFP listed the following non-cost evaluation factors in descending order of importance: (1) technical and associated risk; (2) management and associated risk; and (3) past performance risk. Under the RFP, offerors' technical and management proposals would be evaluated using the adjectival ratings of outstanding, highly satisfactory, satisfactory, marginal, or unsatisfactory; offerors' technical and management risk would be evaluated as either high, medium, or low; and offerors' past performance risk would be evaluated as either very low, low, moderate, high, very high, or unknown. The RFP provided that the non-cost evaluation factors, when combined, would be considered significantly more important than cost.

As relevant here, the management evaluation factor had two subfactors-- (1) management approach (overall management approach; usage of teaming, personnel, and subcontractors; recruitment/retention; quality management; cost savings; and electronic capabilities) and (2) key personnel. The RFP advised that a poorly defined management approach would result in the assessment of increased proposal risk and/or a reduced qualitative rating. The RFP also advised that the evaluation of key personnel would be based on the extent to which personnel resumes submitted by the offeror met or exceeded the education and experience required by the labor category descriptions.

Of the three firms submitting initial proposals, only the proposals of ERI and Synectic were included in the competitive range. Following written discussions, ERI and Synectic submitted final proposal revisions, which were evaluated as follows:

| | ERI | Synectic |
|------------------|-------------------------|---------------------|
| | Rating/Risk | Rating/Risk |
| Technical | highly satisfactory/low | satisfactory/medium |
| Management | unsatisfactory/high | satisfactory/medium |
| Past Performance | low | low ² |

² We note that the agency's source selection evaluation board (SSEB), the first level of review, recommended that a moderate past performance risk rating be assigned to Synectic. However, the source selection advisory council (SSAC), the intermediate level of review before the source selection authority, changed this recommendation from moderate to low, as shown in the chart, and concluded that in terms of performance risk, little doubt existed that either ERI or Synectic would successfully perform the contract. While ERI does not dispute that the SSAC was not bound by

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ERI's evaluated cost was approximately 17 percent higher (*i.e.*, over \$4 million) than Synectic's evaluated cost. The agency determined to award a contract to Synectic, the firm submitting the technically superior, lower evaluated cost proposal.

EVALUATION OF ERI'S MANAGEMENT APPROACH PROPOSAL

ERI principally argues that the agency "used a higher, more rigorous standard" to evaluate its management proposal as opposed to Synectic's management proposal. Protester's Second Supplemental Protest, Mar. 9, 2001, at 2. ERI attempts to show this alleged disparity by making a side-by-side comparison of various sections of the management approach proposals submitted by it and Synectic.

In reviewing an agency's evaluation of proposals, our Office will question the agency's evaluation only where it violates a procurement statute or regulation, lacks a reasonable basis, or is inconsistent with the stated evaluation criteria for award. B. Diaz Sanitation, Inc., B-283827, B-283828, Dec. 27, 1999, 2000 CPD ¶ 4 at 6. An offeror has the burden of submitting an adequately written proposal, and the offeror's mere disagreement with the agency's judgment concerning the adequacy of the proposal is not sufficient to establish that the agency acted unreasonably. Caldwell Consulting Assocs., B-242767, B-242767.2, June 5, 1991, 91-1 CPD ¶ 530 at 6. Here, while ERI essentially argues that the agency did not evaluate the ERI and Synectic management proposals in accordance with the terms of the RFP, based on our review of the record, we conclude that ERI's position is without merit. More specifically, a reasonable comparison of the management approach proposals of the two firms shows that Synectic provided more relevant and substantive details in

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the recommendation of the SSEB, ERI complains that the SSAC did not satisfactorily document the basis for its recommendation. We disagree.

The SSAC's final proposal revision analysis report shows that the SSAC reviewed the SSEB's final proposal revision evaluation report and briefing charts. The SSAC report shows that the SSAC considered ERI and Synectic to have similar past performance records, with both firms demonstrating successful past performance on contracts of similar type, size, and complexity, and with both firms receiving positive feedback with respect to their ability to minimize costs, sustain successful business relationships, maintain performance schedules, and provide open communications. (These items were considered risk mitigation factors for each firm.) Agency Report (AR), Tab I, SSAC Final Proposal Revision Analysis Report for ERI and Synectic, at 2-3. The SSAC report also shows that the SSAC recognized that Synectic and its team member had not referenced any [deleted], and that ERI had submitted a quality award reference for its team member only and a contractor performance assessment report for itself only. *Id.* We believe that the SSAC adequately documented its decision to assign a low past performance risk rating to both ERI and Synectic.

response to the RFP requirements than did ERI. It was this lack of proposal detail that resulted in the agency's assignment of an unsatisfactory/high risk rating to ERI's management proposal, consistent with the terms of the RFP, which provided that a poorly defined management approach would result in the assessment of increased proposal risk and/or a reduced qualitative rating. The following two management approach examples are illustrative.

Managing Task Orders

The RFP required offerors to "describe their processes for managing task orders from start to finish." RFP amend. 1, supp. B, § L1.I.E(a)(i), at 11. ERI points to seven pages in its management proposal as providing a description of its task order management process, and specifically one page which summarizes, in bullet format, this process from beginning to end, starting with the preparation of a "Task Management Plan . . . for each [task order]"; the preparation of a "Task Work Breakdown Structure"; the identification of "additional resource requirements to respond to early problem reporting"; and, referencing a software development schedule graphic,³ "at project completion[,] the [formal delivery of the] final product[, . . .] adjusted as necessary after coordination with the appropriate [agency] technical personnel." ERI Final Proposal Revision at 3-18; Protester's Second Supplemental Protest at 3; Protester's Final Comments, Mar. 28, 2001, at 8. The agency concluded that ERI's description of its task order management process was weak because ERI failed to adequately describe a complete process. AR, Tab I, SSAC Final Proposal Revision Analysis Report for ERI, at 12.

For instance, while ERI points to the software development schedule graphic as the description of its task order completion process, the agency concluded that this graphic bore no relationship to the RFP's maintenance planning and design interface tasks and the graphic did not describe task order completion. In this respect, the agency states, and ERI does not dispute, that out of 138 tasks described in the RFP, none identifies any requirement for software development. Although ERI maintains that the graphic shows how a final product, in a generic sense, will be formally delivered and adjusted after coordination with appropriate agency personnel, the agency concluded, and we have no basis to disagree, that neither this graphic nor ERI's proposal narrative adequately describes final product delivery, how

³ This graphic, captioned "SAMPLE MICROSOFT PROJECT OUTPUT," basically listed along the vertical axis 3 phases--design, development, and task end--for the development of software; each phase included subphases. (There were a total of 19 phases/subphases shown.) The graphic also listed along the horizontal axis 10 months from August 1999 through May 2000. The graphic linked each phase/subphase to a particular period of time representing the start and completion for each phase/subphase over the 10-month period. ERI Final Proposal Revision at 3-17.

adjustments will be made, or who will coordinate with agency technical personnel. Supplemental AR, Mar. 22, 2001, at 1-3, 6.

In contrast, we agree with the agency that Synectic provided a detailed narrative description of its task order management process from start to finish, including [deleted]. The narrative and [deleted] describe and show a plan of action, cost estimation, progressive monitoring, corrective feedback loops to resolve problems, and delivery of a final product. Synectic Final Proposal Revision at III-11-18.

Cost Savings

The RFP required offerors to “detail their plans for reducing the cost of developing, producing, and updating logistics products.” RFP amend. 1, supp. B, § L1.I.E(a)(v), at 12. Under the “Cost Savings for Logistics Products” section of its proposal, ERI listed its electronic capabilities and referenced in two sentences one example of “demonstrated cost savings on a NAVAIR logistics program . . . where improved automated efficiencies created documented savings. The NAVAIR estimate of the savings for the past five years exceeds \$81M dollars.” ERI Final Proposal Revision at 3-28; Protester’s Second Supplemental Protest at 5; Protester’s Final Comments at 11-12. The agency concluded that this aspect of ERI’s proposal was weak because the firm failed to provide a “detailed plan.” AR, Tab I, SSAC Final Proposal Revision Analysis Report for ERI, at 13. We agree with the agency’s evaluation in this respect because, while referencing one example of cost savings on a Navy project, ERI did not discuss any “plans” for reducing costs, as required by the RFP.

On the other hand, Synectic stated under the “Cost Savings” section of its proposal that it would achieve cost savings in four ways--[deleted]. Synectic Final Proposal Revision at III-27. We believe the agency reasonably concluded that Synectic addressed the requirement for a “plan” to achieve cost savings.

Summary

In sum, a comparison of the ERI and Synectic proposals in the areas of task order management and cost savings confirms that the agency reasonably evaluated the management proposals of these firms in accordance with the terms of the RFP. Our review of the record reveals no evidence of disparate treatment, but rather, supports the agency’s concern with ERI’s failure to submit an adequately detailed management approach proposal responding to the RFP requirements. ERI’s allegation of disparate treatment reflects its mere disagreement with the agency’s judgment and fails to establish that the evaluation was unreasonable.⁴

⁴ ERI also protests other aspects of the agency’s evaluation of the management approach proposals (e.g., participation in industry initiatives, upgrading employee skills, and quality management). We have reviewed each of ERI’s additional

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EVALUATION OF KEY PERSONNEL

ERI maintains that three of the six key personnel proposed by Synectic and evaluated as acceptable should have been determined unacceptable based on the information, or the lack of information, in their respective resumes.⁵

For example, ERI questions whether the individual (Mr. X.) proposed by Synectic as a Senior Operations Logistics Manager satisfies the RFP requirements to have “[a] minimum of four years experience [within the last fifteen years] supervising and directing at least three operational technicians in the performance of comprehensive analysis across the full spectrum of design interface and maintenance planning.” RFP amend. 1, at 6.

According to his resume summary sheet and resume, Mr. X. had “1.75” years experience with a corporation from “1998-Present” in which he “supervises and directs 4 operational technicians and provides operational logistics support to 16 . . . Full Scale Aerial Target aircraft and associated systems,” and he had “1.50” years experience with another corporation from “1996-1998” in which he, as an aviation manager, “provided operational logistics support for Navy aircraft . . . [and] supervised and directed the activities of 3 operational technicians.” (ERI does not challenge any of this experience--3.25 years--as reported by Mr. X.) The resume summary sheet further shows that Mr. X. had “4.50” years experience with a third corporation from “1991-1996” in which he, as the “Technical Director for Engineering, Logistics, and Software Support Groups . . . provided operational logistics management . . . [and] supervised operational personnel performing data

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allegations and conclude that they also constitute mere disagreement with the agency’s judgment and fail to establish that the agency’s evaluation was unreasonable.

⁵ In its initial protest, ERI challenged the agency’s evaluation of three of its proposed key personnel. In its administrative report, the agency addressed its evaluation of these individuals. In its comments on the agency report, ERI did not meaningfully rebut the agency’s position on any of these individuals. Protester’s Comments, Mar. 9, 2000, at 1. Accordingly, we deem this argument to be abandoned. NMS Management, Inc., B-286335, Nov. 24, 2000, 2000 CPD ¶ 197 at 4 n.3.

In addition, in its initial protest, ERI generally argued that the agency failed to conduct meaningful discussions in the area of its management proposal (management approach and key personnel). Again, the agency addressed this argument in its administrative report and ERI offered no rebuttal in its comments. Therefore, we deem ERI’s lack of meaningful discussions argument to be abandoned.

development and processing.” The resume of Mr. X. shows that he “supervised [t]eam members working in contingency planning, Logistic Support Analysis . . . and inventory requirements analysis for the Maritime Prepositioned Squadrons.” Synectic Final Proposal Revision, Resume Package for Mr. X.

ERI complains that the agency improperly credited Mr. X. with his work at the third corporation, contending that it is not clear from his resume package how much of the “4.50” years he spent supervising at least three operational technicians. In response, the agency explains that where an individual was identified by either ERI or Synectic as holding a position which included a specifically required type of experience, the individual was credited with having had that experience for the duration of that period of employment.⁶ AR, Apr. 4, 2001, at 2. In light of the equal treatment of the two offerors, and in conjunction with Mr. X.’s 3.25 years of experience with the other two listed corporations, we think that Mr. X. was reasonably credited with having satisfied the RFP’s minimum 4-year experience requirement.

ERI also questions the agency’s conclusion that Mr. X.’s use of the term “team,” in describing the number of people he supervised at the third corporation, meant that he satisfied the RFP requirement to supervise “at least three operational technicians.” The agency explains that the evaluators viewed any reference to the supervision of a “team” in an ERI or Synectic resume from an “Integrated Product Team” (IPT) perspective, which is how NAVAIR is structured. AR, Apr. 4, 2001, at 1-2. The agency states that IPT teams are typically staffed with anywhere from 5 to 100 members, and where a resume indicated that an individual supervised a “team,” the evaluators interpreted this to mean that the individual supervised five or more people. *Id.* at 1. From this perspective, the agency concluded that Mr. X.’s supervision of “team” members in the areas of contingency planning, logistics support analysis, and inventory requirements analysis satisfied the referenced RFP requirement as it would take at least three operational technicians to perform these tasks. We believe the agency’s judgment in this regard was reasonable.⁷

⁶ The agency states that ERI’s proposed key personnel for the Senior Operations Logistics Manager positions were credited in the same manner as Synectic’s Mr. X. with having had the required experience.

⁷ The agency pointed out that it credited ERI’s proposed Senior Operations Logistics Managers with “team” experience as referenced in their respective resumes.

ERI also questioned the acceptability of two other individuals proposed by Synectic as key personnel. We have reviewed their resume packages in light of the RFP requirements for the positions for which they were proposed and we agree with the agency that these individuals were acceptable.

CONCLUSION

On this record, we conclude that the agency reasonably evaluated each offeror's management proposal and reasonably awarded the contract to Synectic, the firm which submitted an overall technically superior, substantially lower cost proposal. The agency's selection of Synectic's proposal as representing the greatest value is not objectionable.

The protest is denied.

Anthony H. Gamboa
General Counsel